

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

	X	
SYNCA DIRECT, INC.,	:	
Plaintiff and Counterclaim-Defendant,	:	
vs.	:	
MULTIMEDIA DENTAL SYSTEMS, INC.,	:	
Defendant and Counterclaim-Plaintiff,	:	
vs.	:	
SYNCA, and JOHN DOES 1-5,	:	
Additional Counterclaim-Defendants.	:	
	:	
	X	

**ORDER TO SHOW
CAUSE WITH
TEMPORARY
RESTRAINTS**

Index No. 06-CV-1263
LEK/DRH

The above-styled matter has come before the Court on the application of Multimedia Dental Systems, Inc. ("MMD") for an Order requiring the Counterclaim-Defendant, Synca Direct, Inc. ("Synca"), to show cause why a temporary restraining order and preliminary injunction should not be issued to prevent Synca from infringing MMD's rights in digital x-ray and dental imaging software known as MediaDent Dental Imaging v.4.5 ("MediaDent D.I.") which is covered by U.S. Copyright Office Certificate of Registration Number TX-6-159-013. Having read and considered MMD's Motion for a Temporary Restraining Order (the "Motion"),

the supporting declarations, and all materials offered in support of the Motion, and for good cause shown, it is hereby

ORDERED that Synca is to show cause before this Court, at Room _____, James T. Foley United States Courthouse, 445 Broadway, Albany, New York 12207-2924 on the _____ day of January, 2007, at _____, or as soon thereafter as counsel may be heard (the "Show Cause Hearing"), why an Order should not be issued pursuant to Fed. R. Civ. P. 65 preliminarily enjoining during the pendency of this action Synca, its principals, directors, officers, subsidiaries, affiliates, agents, employees, attorneys, successors, assigns, and all other persons or entities acting in concert with them or who have actual notice of this Order from:

- (a) imitating, copying or making any other infringing use or infringing distribution of software programs utilizing any portion of the source code protected by MMD's certificate of copyright registration number TX-6-159-013;
- (b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting or displaying any software program bearing any simulation, reproduction, copy, or colorable imitation of any program utilizing any of the source code protected by MMD's certificate of copyright registration number TX-6-159-013;
- (c) engaging in any other activity constituting an infringement of any MMD's rights and/or right to use or exploit the above described copyright, and
- (d) assisting, aiding, or abetting any other person or business entity engaging in or performing any of the activities referred to in subparagraphs (a) – (c) above; and

IT IS FURTHER ORDERED that, sufficient reason having been shown therefor, pending the Show Cause Hearing, pursuant to Fed. R. Civ. P. 65, Synca, its principals, directors, officers, subsidiaries, affiliates, agents, employees, attorneys, successors, assigns, and all other persons or entities acting in concert with them or who have actual notice of this Order are hereby temporarily restrained and enjoined from:

- (a) imitating, copying or making any other infringing use or infringing distribution of software programs utilizing any portion of the source code protected by MMD's certificate of copyright registration number TX-6-159-013;
- (b) manufacturing, assembling, producing, distributing, offering for distribution, circulating, selling, offering for sale, advertising, importing, promoting or displaying any software program bearing any simulation, reproduction, copy, or colorable imitation of any program utilizing any of the source code protected by MMD's certificate of copyright registration number TX-6-159-013;
- (c) engaging in any other activity constituting an infringement of any MMD's rights and/or right to use or exploit the above described copyright, and
- (d) assisting, aiding, or abetting any other person or business entity engaging in or performing any of the activities referred to in subparagraphs (a) – (c) above; and

IT IS FURTHER ORDERED that security in the form of a bond shall be posted by MMD in the amount of US \$5,000 prior to January ___, 2007;

IT IS FURTHER ORDERED that service through the Court's electronic filing service of a copy of this Order and the moving papers upon counsel of record for Synca shall be deemed good and sufficient service thereof; and

IT IS FURTHER ORDERED that Synca shall serve answering papers, if any, on or before January ___, 2007, by overnight courier on Holland & Knight LLP, 195 Broadway, New York, New York, 10007, Attention: James V. Marks; and

IT IS FURTHER ORDERED THAT MMD shall serve reply papers, if any, on or before January ___, 2007, by electronic mail through Court's the ECF system and by overnight courier upon counsel of record for Synca.

DATED: Albany, New York
January ___, 2007

TIME OF ISSUANCE:

SO ORDERED:

The Honorable Lawrence E. Kahn
United States District Court
Northern District of New York

4292634_v1